



Connell Foley LLP  
888 Seventh Avenue  
9th Floor  
New York, NY 10106  
P 212.307.3700 F 212.262.0050

**Michael J. Crowley**  
Partner  
Direct Dial 212.307.3702  
MCrowley@connellfoley.com

April 17, 2020

**VIA ECF**

Hon. Katherine Polk Failla  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2103  
New York, New York 10007

**MEMO ENDORSED**

**Re: The Phoenix Companies Inc., now known as The Nassau Companies of New York v. Concentrix Insurance Administration Solutions Corporation**  
**Docket No.: 20-cv-01738 (KPF)**

Dear Judge Polk Failla,

We represent the defendant-counterclaimant Concentrix Insurance Administration Solutions Corporation (“Concentrix”) and we write in accordance with Section 9(C)(ii) of this Court’s rules to submit this letter motion for permission to file the Answer with Counterclaim under seal.

Plaintiff The Phoenix Companies, Inc., now known as The Nassau Companies of New York (“Phoenix”) filed a Complaint seeking monetary damages arising from an alleged breach of a Master Services Agreement dated December 23, 2016 (“MSA”) entered into between Phoenix and Concentrix.

Pursuant to MSA § 15.1(b), “the terms of this Agreement . . . will constitute Confidential Information,” which “each party will,” per § 15(2)(a), “strictly maintain” in confidence. Additionally, numerous documents referenced and quoted from in the allegations of the Complaint were marked “confidential” or “proprietary and confidential” by Concentrix.

Phoenix filed a motion with the Court for an Order granting leave to file the Complaint under seal. The Court granted Phoenix’s motion and issued an Order dated February 27, 2020 that the Complaint shall be placed under seal, a true and correct copy of which is attached hereto.

Concentrix’s Answer to the Complaint and Counterclaim cite to the MSA and other confidential and proprietary information related to the MSA, Phoenix’s allegations in the

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Complaint and Concentrix's claims for breach of the MSA and damages.

Concentrix believes that the Complaint, Answer and Counterclaim and the citations and quotations therein contain confidential and proprietary information, including, but not limited to its pricing, terms and conditions, and customer solutioning.

Concentrix has informed Phoenix's counsel of its belief and position that the sealing order needs to remain in place to protect its confidential and proprietary information.

Accordingly, Concentrix requests its Answer and Counterclaim be filed under seal. A proposed Order accompanies this application.

Respectfully submitted,

*/s/ Michael J. Crowley*

Michael J. Crowley

MJC/mc

cc: **VIA ECF**  
Bryan F. Lewis, Esq.  
LEWIS JOHS AVALLONE  
AVILES, LLP  
One CA Plaza, Suite 225  
Islandia, New York 11749

Application GRANTED. Defendant is permitted to file its Answer and Counterclaim under seal, such that it is viewable to the Court and parties only.

Dated: April 17, 2020  
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE